

## Senate File 505 - Enrolled

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### AN ACT

#### MODIFYING PROVISIONS RELATING TO THE LICENSURE OF PROFESSIONAL LANDSCAPE ARCHITECTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 544B.3, subsection 1, Code 2019, is amended to read as follows:

1. A landscape architectural examining board is created within the professional licensing and regulation bureau of the banking division of the department of commerce. The board consists of five members who are professional landscape architects and two members who are not professional landscape architects and who shall represent the general public. Members shall be appointed by the governor, subject to confirmation by the senate. A ~~Four~~ of the five professional ~~member~~ members shall be actively engaged in the practice of landscape architecture or the teaching of landscape architecture in an accredited college or university, and shall have been so engaged for five years preceding appointment, the last two of which shall have been in Iowa. One of the five professional members shall be actively engaged in the practice of landscape architecture or the teaching of landscape architecture in an accredited college or university, and may have been so engaged for fewer than five years preceding appointment but at least one year preceding appointment. Associations or societies composed of professional landscape architects may recommend the names of potential board members to the governor. However,

the governor is not bound by the recommendations. A board member shall not be required to be a member of any professional association or society composed of professional landscape architects.

Sec. 2. Section 544B.5, Code 2019, is amended to read as follows:

**544B.5 Duties.**

The board shall enforce ~~this chapter~~, and shall make rules for the examination of applicants for licensure, ~~and, after public notice, shall conduct examinations of applicants for licensure.~~ The board shall keep a record of its proceedings. The board shall adopt an official seal which shall be affixed to all certificates of licensure granted. The board may make other rules, not inconsistent with law, as necessary for the proper performance of its duties. The board shall maintain a roster showing the name, place of business, and residence, and the date and number of the certificate of licensure of every professional landscape architect in this state. The administrator of the professional licensing and regulation bureau of the banking division of the department of commerce shall hire and provide staff to assist the board in implementing ~~this chapter~~.

Sec. 3. Section 544B.8, subsection 1, Code 2019, is amended to read as follows:

1. ~~The board shall conduct examinations of applicants for certificates of licensure as professional landscape architects at least once each year, or, if there are sufficient applications, at such additional times as the board may deem necessary. The examination shall determine the ability of the applicant to use and understand the theory and practice of landscape architecture and may be divided into such subjects as the board deems necessary. The board shall determine the annual cost of administering the examinations and shall set the fees accordingly. A person applying for a certificate of licensure as a professional landscape architect shall satisfactorily pass an examination in technical and professional subjects prescribed by the board. The board may adopt the uniform standardized examination and grading procedures of a national certification body recognized by the~~

board. The examination may be conducted by representatives of the board. The identity of a person taking the examination shall be concealed until after the examination is graded. The fee for examination shall be based on the annual cost of administering the examinations. The public members of the board shall be allowed to participate in administrative, clerical, or ministerial functions incident to giving the examination, but shall not determine the content of the examination or determine the correctness of the answers.

Sec. 4. Section 544B.9, subsection 1, unnumbered paragraph 1, Code 2019, is amended to read as follows:

Any person may apply for a certificate of licensure or may apply to take an examination for such certification. Applications for licensure shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detail summary of the applicant's pertinent practical landscape architectural work and experience. The board shall not require that a recent photograph of the applicant be attached to the application form. An applicant shall not be ineligible for licensure ~~because of age, citizenship, sex, race, religion, marital status, or national origin~~ on the basis of membership in any protected class under chapter 216. The board may consider the past felony record of an applicant only if the felony conviction relates directly to the practice of landscape architecture. Character references may be required but shall not be obtained from professional landscape architects. ~~An application for examination shall be accompanied by an examination fee in the amount determined by the board.~~ Each applicant for licensure as a professional landscape architect shall meet one of the following requirements:

Sec. 5. Section 544B.10, Code 2019, is amended to read as follows:

**544B.10 Foreign licensees.**

Any applicant who holds a license or certificate to practice landscape architecture issued to the applicant upon examination by a national certification body recognized by the board as prescribed by rule, or by a board of examiners in any other state, territory, or possession of the United States,

the District of Columbia, or of any foreign country, if the requirements for such license or certificate were, at the time it was issued, in the opinion of the board, equal to or higher than the requirements of this state, may be licensed without further examination.

Sec. 6. Section 544B.11, Code 2019, is amended to read as follows:

**544B.11 Licensure.**

When an applicant has complied with the application requirements of [this chapter](#) and has passed the examination ~~to the satisfaction of a majority of the licensed members of~~ prescribed by the board, or is a foreign registrant and has qualified for licensure under [this chapter](#), and has paid the required licensure fee, the secretary shall enroll the applicant's name and address in the roster of professional landscape architects and issue to the applicant a certificate of licensure, ~~signed by the officers of the board.~~

Sec. 7. Section 544B.12, Code 2019, is amended to read as follows:

**544B.12 Seal.**

Every professional landscape architect shall have a seal, ~~approved by the board,~~ which shall contain the name of the landscape architect and the words "Professional Landscape Architect, State of Iowa", and such other words or figures as the board may deem necessary. All landscape architectural plans and specifications, prepared by such professional landscape architect or under the supervision of such professional landscape architect, shall be dated and bear the legible seal of such professional landscape architect. Nothing contained in [this section](#) shall be construed to permit the seal of a professional landscape architect to serve as a substitute for the seal of a licensed architect, a licensed professional engineer, or a licensed professional land surveyor whenever the seal of an architect, engineer, or land surveyor is required under the laws of this state.

Sec. 8. Section 544B.16, Code 2019, is amended to read as follows:

**544B.16 Procedure.**

A person may file ~~charges~~ a complaint with the board against

a professional landscape architect or the board may initiate ~~charges~~ a complaint. ~~The charges shall be in writing, sworn to if by a complainant other than the board, and filed with the board.~~ Unless the ~~charges are~~ complaint is dismissed by the board as unfounded or trivial, the board may request the department of inspections and appeals to conduct an investigation into the ~~charges~~ complaint. The department of inspections and appeals shall report its findings to the board, and the board shall hold a hearing within sixty days after the date on which the ~~charges are~~ complaint is filed. The board shall fix the time and place for such hearing and shall cause a copy of the ~~charges~~ complaint, together with a notice of the time and place fixed for the hearing, to be served on the accused at least thirty days before the date fixed for the hearing. Where personal service cannot be effected, service may be effected by publication. At such hearing, the accused shall have the right to appear personally or by counsel, to cross-examine witnesses against the accused, and to produce evidence and witnesses in defense. After the hearing, the board may suspend or revoke the certificate of licensure. The board may restore the certificate of licensure to any person whose certificate of licensure has been revoked. Application for the restoration of a certificate of licensure shall be made in such manner, form, and content as the board may prescribe.

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CHARLES SCHNEIDER  
President of the Senate

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LINDA UPMEYER  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 505, Eighty-eighth General Assembly.

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W. CHARLES SMITHSON  
Secretary of the Senate

Approved \_\_\_\_\_, 2019

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KIM REYNOLDS  
Governor